

Indiana Department of Education

**Director, Office of Student Services
State Attendance Officer**

Attendance and Student Services Manual for 2008 (Effective July 1, 2008)

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This online manual is a reference for school administrators and student services personnel. The content is focused on issues related to attendance accountability and the prevention, assessment, intervention and referral of students and families for problems related to academic, personal, mental health, alcohol and drug and physical health.

Note: To easily link to these references go to the Indiana Register website and enter the citation. <http://www.in.gov/legislative/register/index-28.html> If you are accessing this online you can link directly to the resource.

For Your Information: Indiana Administrative Code [IAC] are rules of a state agency or board such as the Indiana Department of Education or the Indiana State Board of Education. Indiana Code [IC] are statutes passed by the legislature and signed by the Governor. Both rules and statutes require compliance. The following citations and excerpts ARE NOT legal advice and you should read the entire code references and consult with an attorney or administrator before acting on any content of this manual.

Rules of the Indiana State Board of Education

<http://www.ai.org/legislative/iac/title511.html>

511 IAC 1- Administration; Information Collection Processing; School Finance; General Provisions

http://www.in.gov/legislative/iac/iac_title?iact=511&iaca=1&submit=+Go+

Rule 3. Determining and Reporting Attendance and Membership for State Support

511 IAC 1-3-1 Definitions

Authority: IC 20-19-2-8

Affected: IC 20-33-2

Sec. 1. (a) "ADA flat grant" means the distribution of funds provided for in IC 21-3-4.5 *[IC 21-3-4.5 was repealed by P.L.246-2005, SECTION 227, effective January 1, 2006.]*.

(b) "Additional pupil count" or "APC" means the number of pupils enrolled in programs as specified in IC 21-3-2.1 *[IC 21-3 was repealed by P.L.2-2006, SECTION 199, effective July 1, 2006.]*.

(c) "Aggregate days of attendance" means the total days of attendance accumulated by all students enrolled in grades K-12.

(d) "Aggregate days of enrollment" means the total student instructional days of enrollment accumulated by all students in grades K-12 during the regular school year.

(e) "Aggregate days of unexcused absence" means the total days of unexcused absence accumulated by all students under eighteen (18) years of age enrolled in grades kindergarten through 12.

(f) "Average daily attendance" or "ADA" means the result of dividing the number of aggregate days of attendance for the reporting period by the number of student instructional days during the reporting period.

(g) "Average daily enrollment" means the result of dividing the aggregate days of enrollment by the number of student instructional days during the regular school year.

(h) "Average daily membership" or "ADM" means the number of pupils with legal settlement in the school corporation enrolled in the school corporation or in a transferee corporation on the second Friday following Labor Day. Kindergarten pupils attending half-time or more shall be counted as one-half (½). Beginning in the 2004-2005 school year, the ADM shall be adjusted on December

1 of that same year. The board shall monitor changes that occur after the ADM count, in the number of students enrolled in programs for children with disabilities, and shall, on December 1 of that same year and, beginning in the 2004-2005 school year, on April 1 of the following calendar year, make an adjusted count of students enrolled in programs for children with disabilities.

(i) "Board" means the Indiana state board of education.

(j) "Department" means the department of education.

(k) "Postgraduate student" means a person who has received a high school diploma or its equivalent.

(l) "Reporting period" means:

(1) for purposes of determining ADA for the ADA flat grant, the three (3) week period beginning the first Monday following Labor Day;

(2) for purposes of determining ADA for the regular school year, the period beginning the first day of the regular school year and ending the last day of the regular school year;

(3) for purposes of determining ADA for summer school, the period beginning the first day of the summer school session and ending the last day of the summer school session; and

(4) for other purposes, the period determined by the board.

(m) "Student attendance rate" means the result of dividing the number of aggregate days of attendance for the regular school year by the number of aggregate days of enrollment.

(n) "Truancy rate" means the result of dividing the number of aggregate days of unexcused absence for the regular school year by the number of aggregate days of enrollment.

(o) "Unexcused absence" means an absence from school that is:

(1) not authorized by the local school administrator or local school corporation rule; and

(2) a violation of IC 20-33-2.

An out-of-school suspension is not an unexcused absence.

Rule 7. Residence Standards

511 IAC 1-7-1 Residence in state longer than 30 days

Authority: IC 20-33-2-3

Affected: IC 20-33-2

Sec. 1. In accordance with IC 20-33-2-3 IC 20-33-2 shall apply to a person who is not domiciled in Indiana and who intends

to remain for a period of time in excess of thirty (30) calendar days.

511 IAC 4-1.5 Student Services and Health Services

http://www.in.gov/legislative/iac/iac_title?iact=511&iaca=4&submit=+Go+

OR

<http://www.doe.in.gov/sservices/pdf/ssrule.pdf>

Student Services is a Legal Standard required for accreditation. All legal standards can be seen here: <http://doe.state.in.us/accreditation/legals1.htm>

For access to this and other legal standards and accreditation information go to the website for the Office of School Accreditation and Awards:

<http://doe.state.in.us/accreditation/welcome.html>

The Student Services Legal Standard accreditation website is found here:
<http://www.doe.state.in.us/sservices/legal.html>

511 IAC 6.1-2 Safe Schools and Emergency Preparedness Planning
http://www.in.gov/legislative/iac/iac_title?iact=511&iaca=6.1&submit=+Go+

511 IAC 6.1-2-2.5 Safe schools and emergency preparedness planning

Authority: IC 20-19-2-8; IC 20-31-4-17

Affected: IC 20-31-4-1

Sec. 2.5. (a) Each school corporation shall, in consultation with local public safety agencies, develop a written emergency

preparedness plan for the school corporation and each school in the corporation. An emergency preparedness plan shall, at a minimum, contain the following:

- (1) Appropriate warning systems.
- (2) Procedures for notifying other agencies and organizations.
- (3) Posting of evacuation routes.
- (4) Emergency preparedness instruction for staff and students.
- (5) Public information procedures.
- (6) Steps that will be taken prior to a decision to evacuate buildings or dismiss classes.
- (7) Provisions to protect the safety and well-being of staff, students, and the public in case of:
 - (A) fire;
 - (B) natural disaster, such as tornado, flood, or earthquake;
 - (C) adverse weather conditions, such as winter storms or extreme heat;
 - (D) nuclear contamination, such as power plant or transport vehicle spills;
 - (E) exposure to chemicals, such as pesticides, industrial spills and contaminants, laboratory chemicals, and cleaning agents; and
 - (F) manmade occurrences, such as student disturbance, weapon, weapon of mass destruction, contamination of water supply or air supply, hostage, and kidnaping incidents.
- (b) Within sixty (60) days after the beginning date of each school year, the superintendent shall certify to the department that the emergency preparedness plans for the school corporation and each school in the school corporation have been reviewed and revised, if necessary. Within sixty (60) days of opening a new or significantly remodeled school, the superintendent shall certify to the department that a new plan has been developed or that the existing plan has been reviewed and revised, if necessary.
- (c) Emergency preparedness plans shall be available for inspection by the department

Reports to the state are submitted to the Office of School Transportation and Emergency Planning. Website is here:
<http://www.doe.state.in.us/safety/sep.html>

Information on programs for school safety related to manmade occurrences is found here at the School Safety Specialist website:
<http://www.doe.state.in.us/issas/welcome.html>

Rule of the Indiana Department of Education

512 IAC 1- Threshold of Student Absences for Reporting Purposes to Local Health Departments
http://www.in.gov/legislative/iac/iac_title?iact=512&iaca=1&submit=+Go+

512 IAC 1-2-2 Report of absenteeism in excess of the threshold

Authority: IC 20-33-2-47

Affected: IC 16-19-10-8; IC 20-33-2-42

Sec. 2. (a) Except as provided in subsection (c), each school corporation and accredited nonpublic school shall report to the local health department the percentage of student absences when the percentage of students absent from a school is equal to or greater than the threshold rate of twenty percent (20%) of the enrolled students.

(b) Reports are not required on days immediately before or after a school vacation day or a scheduled instructional day that is canceled due to any weather-related emergency unless otherwise determined by the superintendent.

(c) A copy of any report to the local health department under provisions of this article shall be sent to the state attendance officer or state attendance official.

Indiana Code

IC 5-2-10.1 School Safety

<http://www.in.gov/legislative/ic/code/title5/ar2/ch10.1.html>

IC 5-2-10.1-9

School safety specialists; duties

Sec. 9. (a) Each school corporation shall designate an individual to serve as the school safety specialist for the school corporation.

(b) The school safety specialist shall be chosen by the superintendent of the school corporation with the approval of the governing body.

(c) The school safety specialist shall perform the following duties:

(1) Serve on the county school safety commission, if a county school safety commission is established under section 10 of this chapter.

(2) Participate each year in a number of days of school safety training that the council determines.

(3) With the assistance of the county school safety commission, if a county school safety commission is established under section 10 of this chapter, develop a safety plan for each school in the school corporation.

(4) Coordinate the safety plans of each school in the school corporation as required under rules adopted by the Indiana state board of education.

(5) Act as a resource for other individuals in the school corporation on issues related to school discipline, safety, and security.

As added by P.L.273-1999, SEC.224.

IC 5-2-10.1-10

County school safety commissions; members; duties

Sec. 10. (a) A county may establish a county school safety

commission.

(b) The members of the commission are as follows:

(1) The school safety specialist for each school corporation located in whole or in part in the county.

(2) The judge of the court having juvenile jurisdiction in the county or the judge's designee.

(3) The sheriff of the county or the sheriff's designee.

(4) The chief officer of every other law enforcement agency in the county, or the chief officer's designee.

(5) A representative of the juvenile probation system, appointed by the judge described under subdivision (2).

(6) Representatives of community agencies that work with children within the county.

(7) A representative of the Indiana state police district that serves the county.

(8) A representative of the Prosecuting Attorneys Council of Indiana who specializes in the prosecution of juveniles.

(9) Other appropriate individuals selected by the commission.

(c) If a commission is established, the school safety specialist of the school corporation having the largest ADM (as defined in IC 20-18-2-2) in the county shall convene the initial meeting of the commission.

(d) The members shall annually elect a chairperson.

(e) A commission shall perform the following duties:

(1) Perform a cumulative analysis of school safety needs within the county.

(2) Coordinate and make recommendations for the following:

(A) Prevention of juvenile offenses and improving the reporting of juvenile offenses within the schools.

(B) Proposals for identifying and assessing children who are at high risk of becoming juvenile offenders.

(C) Methods to meet the educational needs of children who have been detained as juvenile offenders.

(D) Methods to improve communications among agencies that work with children.

(E) Methods to improve security and emergency preparedness.

(F) Additional equipment or personnel that are necessary to carry out safety plans.

(G) Any other topic the commission considers necessary to improve school safety within the school corporations within the commission's jurisdiction.

(3) Provide assistance to the school safety specialists on the commission in developing and requesting grants for safety plans.

(4) Provide assistance to the school safety specialists on the commission and the participating school corporations in developing and requesting grants for school safe haven programs under section 7 of this chapter.

(5) Assist each participating school corporation in carrying out the school corporation's safety plans.

(f) The affirmative votes of a majority of the voting members of the commission are required for the commission to take action on a measure.

As added by P.L.273-1999, SEC.225. Amended by P.L.2-2006, SEC.11.

IC 5-2-10.1-11

School safety specialist training and certification program

Sec. 11. (a) The school safety specialist training and certification program is established.

(b) The school safety specialist training program shall provide:

(1) annual training sessions, which may be conducted through distance learning or at regional centers; and

(2) information concerning best practices and available resources; for school safety specialists and county school safety commissions.

(c) The department of education shall do the following:

(1) Assemble an advisory group of school safety specialists from around the state to make recommendations concerning the curriculum and standards for school safety specialist training.

(2) Develop an appropriate curriculum and the standards for the school safety specialist training and certification program. The department of education may consult with national school safety experts in developing the curriculum and standards. The curriculum developed under this subdivision must include training in identifying, preventing, and intervening in bullying.

(3) Administer the school safety specialist training program and notify the institute of candidates for certification who have successfully completed the training program.

(d) The institute shall do the following:

(1) Establish a school safety specialist certificate.

(2) Review the qualifications of each candidate for certification named by the department of education.

(3) Present a certificate to each school safety specialist that the institute determines to be eligible for certification.

As added by P.L.273-1999, SEC.226. Amended by P.L.106-2005, SEC.2.

IC 5-2-10.1-12

Safe school committees; school plans; copies of floor plans to law enforcement agency and fire department

Sec. 12. (a) Each school within a school corporation shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5.

(b) The department of education and the school corporation's school safety specialist shall provide materials to assist a safe school committee in developing a plan for the school that addresses the following issues:

(1) Unsafe conditions, crime prevention, school violence, bullying, and other issues that prevent the maintenance of a safe school.

(2) Professional development needs for faculty and staff to implement methods that decrease problems identified under subdivision (1).

(3) Methods to encourage:

(A) involvement by the community and students;

(B) development of relationships between students and school faculty and staff;

and

(C) use of problem solving teams.

(c) As a part of the plan developed under subsection (b), each safe school committee shall provide a copy of the floor plans for each building located on the school's property that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the law enforcement agency and the fire department that have jurisdiction over the school.

IC 9-24-2 Bureau of Motor Vehicles

<http://www.in.gov/legislative/ic/code/title9/ar24/ch2.html>

Point of Contact for all questions on invalidation and revalidation:

Ja'Net Champagne,
Program Coordinator
Bureau of Motor Vehicles
Driver Services Division
100 N. Senate Avenue, Room N405
Indianapolis, IN 46204
(317) 233-2568 GIC# 142
JChampagne@bmv.in.gov

IC 20-19-3

Duties of the Indiana Department of Education

<http://www.in.gov/legislative/ic/code/title20/ar19/ch3.html>

IC 20-19-3-4

Duties of department; suspension and expulsion statistics

Sec. 4. (a) The department shall:

- (1) perform the duties required by statute;
- (2) implement the policies and procedures established by the state board;
- (3) conduct analytical research to assist the state board in determining the state's educational policy;
- (4) compile statistics concerning the ethnicity, gender, and disability status of students in Indiana schools, including statistics for all information that the department receives from school corporations on enrollment, number of suspensions, and number of expulsions; and

(5) provide technical assistance to school corporations.

(b) In compiling statistics by gender, ethnicity, and disability status under subsection (a)(4), the department shall also categorize suspensions and expulsions by cause as follows:

- (1) Alcohol.
- (2) Drugs.
- (3) Deadly weapons (other than firearms).

- (4) Handguns.
- (5) Rifles or shotguns.
- (6) Other firearms.
- (7) Tobacco.
- (8) Attendance.
- (9) Destruction of property.
- (10) Legal settlement (under IC 20-33-8-17).
- (11) Fighting (incident does not rise to the level of battery).
- (12) Battery (IC 35-42-2-1).
- (13) Intimidation (IC 35-45-2-1).
- (14) Verbal aggression or profanity.
- (15) Defiance.
- (16) Other.

(c) The department shall develop guidelines necessary to implement this section.
As added by P.L.1-2005, SEC.3. Amended by P.L.242-2005, SEC.10.

IC 20-20-36 [NEW]

Indiana Concurrent Enrollment Partnership
<http://www.in.gov/legislative/ic/code/title20/ar20/ch36.html>

IC 20-20-36-2

Duties; reports; recommendations

Note: This version of section added by P.L.140-2008, SEC.1. See also following version of this chapter added by P.L.146-2008, SEC.456, effective 1-1-2009.

Sec. 2. (a) The Indiana concurrent enrollment partnership is established to foster innovation and collaboration among state educational institutions and school corporations. The partnership shall:

- (1) organize the concurrent enrollment partnership;
 - (2) establish unified rigorous academic standards and assessment requirements and share best practices that comply with appropriate national accreditation standards for concurrent enrollment programs under IC 21-43-5;
 - (3) coordinate outreach and recruitment of Indiana students and teachers to participate in concurrent enrollment programs;
 - (4) develop a plan to expand the dual enrollment program to every high school in Indiana as required under IC 20-30-10-4 by the 2010-2011 school year;
 - (5) before December 1, 2008, develop a fiscal analysis and make recommendations to the department, the budget committee, and the general assembly to make two (2) dual enrollment courses available without tuition and fees or at reduced tuition and fees to students in grades 11 and 12 beginning with the 2010-2011 school year;
 - (6) develop and submit an annual report on the programs listed under IC 21-43-5-4(a) to the department of education and the commission for higher education before July 1 of each year; and
 - (7) offer recommendations on concurrent enrollment matters as requested by the state board and the commission for higher education.
- (b) The report required under subsection (a)(6) must include the following information:
- (1) An assessment of the academic standards required by the

programs.

- (2) Student performance under the programs.
- (3) College attainment for students enrolled in the programs.
- (4) Program costs.
- (5) Student demand for the programs.
- (6) Demographic information for students in the programs.
- (7) The cost of, access to, and ease of transfer of courses in the programs.

As added by P.L.140-2008, SEC.1.

IC 20-20-36-4 Version b

Eligibility for grant

Note: This version of section added by P.L.146-2008, SEC.456, effective 1-1-2009. See also preceding version of this chapter added by P.L.140-2008, SEC.1.

Sec. 4. (a) Notwithstanding any other provision, a school corporation is eligible for a grant under this chapter in a particular year only if for that year the school corporation's total property tax revenue is expected to be reduced by more than two percent (2%) because of the application of credits in that year.

(b) Subject to subsection (a), an eligible school corporation is entitled to a grant in:

(1) 2009 equal to the eligible school corporation's circuit breaker replacement amount for property taxes imposed for the March 1, 2008, and January 15, 2009, assessment dates; and

(2) 2010 equal to the eligible school corporation's circuit breaker replacement amount for property taxes imposed for the March 1, 2009, and January 15, 2010, assessment dates.

As added by P.L.146-2008, SEC.456.

IC 20-20-36-5 Version b

Amount of grant

Note: This version of section added by P.L.146-2008, SEC.456, effective 1-1-2009. See also preceding version of this chapter added by P.L.140-2008, SEC.1.

Sec. 5. (a) An eligible school corporation's circuit breaker replacement amount for 2009 is equal to the result determined under STEP FOUR of the following formula:

STEP ONE: Determine the amount of credits granted against the eligible school corporation's combined levy for the eligible school corporation's debt service fund, capital projects fund, transportation fund, school bus replacement fund, and racial balance fund.

STEP TWO: Determine the sum of the STEP ONE amounts for all eligible school corporations in Indiana.

STEP THREE: Divide fifty million dollars (\$50,000,000) by the STEP TWO amount, rounding to the nearest ten thousandth (0.0001).

STEP FOUR: Multiply the STEP THREE result by the STEP ONE amount, rounding to the nearest dollar (\$1).

(b) An eligible school corporation's circuit breaker replacement amount for 2010 is equal to the result determined under STEP FOUR of the following formula:

STEP ONE: Determine the amount of credits granted against the eligible school corporation's combined levy for the school corporation's debt service fund, capital

projects fund, transportation fund, school bus replacement fund, and racial balance fund.

STEP TWO: Determine the sum of the STEP ONE amounts for all eligible school corporations in Indiana.

STEP THREE: Divide seventy million dollars (\$70,000,000) by the STEP TWO amount, rounding to the nearest ten thousandth (0.0001).

STEP FOUR: Multiply the STEP THREE result by the STEP ONE amount, rounding to the nearest dollar (\$1).

As added by P.L.146-2008, SEC.456.

Transfer and Transfer Tuition [Legal Settlement]

IC 20-26-11

Legal settlement and transfer of students; transfer tuition

IC 20-26-11-1

"Residence", "resides", and comparable terms

Sec. 1. As used in this chapter with respect to legal settlement, transfers, and the payment of tuition, the words "residence", "resides", or other comparable language means a permanent and principal habitation that an individual uses for a home for a fixed or indefinite period, at which the individual remains when not called elsewhere for work, studies, recreation, or other temporary or special purpose. These terms are not synonymous with legal domicile. Except as provided in section 2(3) of this chapter, where a court order grants an individual custody of a student, the residence of the student is where that individual resides.

As added by P.L.1-2005, SEC.10. Amended by P.L.13-2006, SEC.1.

IC 20-26-11-2

Legal settlement

Sec. 2. The legal settlement of a student is governed by the following provisions:

(1) If the student:

(A) is less than eighteen (18) years of age; or

(B) is at least eighteen (18) years of age but is not emancipated;

the legal settlement of the student is in the attendance area of the school corporation where the student's parents reside.

(2) If the student's mother and father, in a situation to which subdivision (1) otherwise applies, are divorced or separated, the legal settlement of the student is the school corporation whose attendance area contains the residence of the parent with whom the student is living, in the following situations:

(A) If a court order has not been made establishing the custody of the student.

(B) Except as provided in subdivision (3), if both parents have agreed on the parent or person with whom the student will live.

(C) If the parent granted custody of the student has abandoned the student.

In the event of a dispute between the parents of the student, or between the parents and a student at least eighteen (18) years of age, the legal settlement of the student shall

be determined as otherwise provided in this section.

(3) If, in a situation in which subdivision (1) otherwise applies, the student's mother and father are divorced or separated, and if a court order grants the student's:

(A) mother;

(B) father; or

(C) both mother and father;

custody of the student, the legal settlement of the student is the school corporation whose attendance area contains the residence of the mother or father, as elected under section 2.5(a) of this chapter. If the custodial parent (or the student, if at least eighteen (18) years of age) does not make an election under section 2.5(a) of this chapter, the legal settlement of the student is the school corporation whose attendance area contains the residence of the parent granted physical custody by the court order.

(4) If the legal settlement of a student, in a situation to which subdivision (1) otherwise applies, cannot reasonably be determined and the student is being supported by, cared for by, and living with some other individual, the legal settlement of the student is in the attendance area of that individual's residence, except where the parents of the student are able to support the student but have placed the student in the home of another individual, or allowed the student to live with another individual, primarily for the purpose of attending school in the attendance area where the other individual resides. The school may, if the facts are in dispute, condition acceptance of the student's legal settlement on the appointment of that individual as legal guardian or custodian of the student, and the date of legal settlement will be fixed to coincide with the commencement of the proceedings for the appointment of a guardian or custodian. However, if a student does not reside with the student's parents because the student's parents are unable to support the child and the child is not residing with an individual other than a parent primarily to attend a particular school, the student's legal settlement is where the student resides, and the establishment of a legal guardianship may not be required by the school. In addition, a legal guardianship or custodianship established solely to attend school in a particular school corporation does not affect the determination of the legal settlement of the student under this chapter.

(5) If a student, to whom subdivision (1) would otherwise apply, is married and living with a spouse, the legal settlement of that student is in the attendance area of the school corporation where the student and the student's spouse reside.

(6) If the student's parents:

(A) are living outside the United States due to educational pursuits or a job assignment;

(B) do not maintain a permanent home in any school corporation in the United States; and

(C) have placed the student in the home of another individual;

the legal settlement of the student is in the attendance area where the other individual resides.

(7) If the student is emancipated, the legal settlement is the attendance area of the school corporation of the student's residence.

(8) If a student's legal settlement is changed after the student has begun attending school in a school corporation in any school year, the effective date of change may:

(A) at the election of:

- (i) the parent;
- (ii) the student, if the student is at least eighteen (18) years of age; or
- (iii) a juvenile court conducting a proceeding under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6 (or IC 31-6-4-18.5 before its repeal);

be extended until the end of that semester; or

(B) at the discretion of the school, until the end of that school year.

However, that election, where a student has completed grade 11 in any school year, shall extend to the end of the following school year in grade 12.

(9) If a juvenile court has:

(A) made findings of fact concerning the legal settlement of a student under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6 (or IC 31-6-4-18.5 before its repeal); and

(B) jurisdiction over the student under IC 31-34 or IC 31-37;

the legal settlement of the student is the attendance area specified as the legal settlement in the latest findings of fact issued by the juvenile court.

As added by P.L.1-2005, SEC.10. Amended by P.L.13-2006, SEC.2.

IC 20-26-11-2.5

Election to have legal settlement

Sec. 2.5. (a) In the case of a student described in section 2(3) of this chapter, the:

(1) parent granted physical custody by a court; or

(2) student, if the student is at least eighteen (18) years of age;

may, not later than fourteen (14) days before the first student day of the school year, elect for the student to have legal settlement in the school corporation whose attendance area contains the residence of the student's mother or the school corporation whose attendance area contains the residence of the student's father.

(b) An election under subsection (a) may be made only on a yearly basis.

(c) The parent or student who makes an election under subsection (a) is not required to pay transfer tuition.

As added by P.L.13-2006, SEC.3. Amended by P.L.141-2006, SEC.93.

IC 20-26-11-3

Forms concerning legal settlement

Sec. 3. The state superintendent shall prepare the form of agreement to be used under section 2(2) of this chapter and a form to be executed by any individual with whom the student is living under section 2(2), 2(3), 2(4), or 2(6) of this chapter. The execution of the form by the individual and its continuance in force is a condition to the application of section 2(2), 2(3), 2(4), or 2(6) of this chapter. The form must contain an agreement of the individual that the individual shall, with respect to dealing with the school corporation and for all other purposes under this article, assume all the duties and be subject to all the liabilities of a parent of the student in the same manner as if the individual were the student's parent. On the execution of that form and for as long as it remains in force, the individual has these duties and liabilities.

As added by P.L.1-2005, SEC.10. Amended by P.L.13-2006, SEC.4.

IC 20-26-11-4**Appeal from determination of legal settlement**

Sec. 4. A student is emancipated when the student:

- (1) furnishes the student's support from the student's own resources;
- (2) is not dependent in any material way on the student's parents for support;
- (3) files or is required by applicable law to file a separate tax return; and
- (4) maintains a residence separate from that of the student's parents.

As added by P.L.1-2005, SEC.10.

IC 20-26-11-15**Determination by state board**

Sec. 15. (a) The state board shall hear the following:

- (1) All appeals from an order expelling a child under IC 20-33-8-17.
- (2) All appeals provided in this chapter.
- (3) All disputes on the following:
 - (A) Legal settlement.
 - (B) Right to transfer.
 - (C) Right to attend school in any school corporation.
 - (D) Amount of transfer tuition.
 - (E) Any other matter arising under this chapter.

The board shall hold a hearing on the timely written application of any interested party.

IC 20-26-11-30 [NEW Effective July 1, 2008]**School attendance in former school corporation**

Sec. 30. (a) This section applies to a student who resided in a school corporation where the student had legal settlement for at least two (2) consecutive school years immediately before moving to an adjacent school corporation.

(b) A school corporation in which a student had legal settlement for at least two (2) consecutive years as described in subsection (a):

- (1) shall allow the student to attend an appropriate school within the school corporation in which the student formerly resided;
- (2) may not request the payment of transfer tuition for the student from the school corporation in which the student currently resides and has legal settlement or from the student's parent; and
- (3) shall include the student in the school corporation's ADM;

if the principal and superintendent in both school corporations jointly agree to enroll the student in the school.

(c) If a student enrolls under this section in a school described in subsection (b)(1), the student's parent must provide for the student's transportation to school.

(d) A student to whom this section applies may not enroll primarily for athletic reasons in a school in a school corporation in which the student does not have legal settlement. However, a decision to allow a student to enroll in a school corporation in which the student does not have legal settlement is not considered a determination that the student did not enroll primarily for athletic reasons.

As added by P.L.133-2008, SEC.2.

IC 20-26-13 Graduation Rate Determination

<http://www.in.gov/legislative/ic/code/title20/ar26/ch13.html>

IC 20-26-13-11

Student who has left school; responsibility of state attendance officer

NOTE: this reporting requirement is only for students subject to the graduation rate determination reports

[Go to this section for the complete citation]

a.

...

“If the location of the student is unknown to the school, the principal of the school shall send a certified letter to the last known address of the student, inquiring about the student's whereabouts and status. If the student is not located after the certified letter is delivered or if no response is received, the principal may submit the student's information, including last known address, parent or guardian name, student testing number, and other pertinent data to the state attendance officer. The state attendance officer, using all available state data and any other means available, shall attempt to locate the student and report the student's location and school enrollment status to the principal so that the principal can appropriately send student records to the new school or otherwise document the student's status.”

Student's will be reported on the DOE-DM as a Code 26 if you don't receive a report from the State Attendance Officer.

STN Website: Go to the STN website for information concerning reports to the state and to send questions to the STN Team.

See the DOE-DM report. <http://www.doe.state.in.us/stn/welcome.html>

Point of contact for questions on reporting data to the department is:
<http://www.doe.state.in.us/datareporting/welcome.html>

Homeless Students

Note: The Office of Student Learning Choices is responsible for training of homeless liaisons in Indiana and the Coordinator for Education of Homeless Children is located in this division. Their website is <http://www.doe.state.in.us/alted/welcome.html>

IC 20-27-12-Transportation of Homeless Students

<http://www.in.gov/legislative/ic/code/title20/ar27/ch12.html>

IC 20-50-Homeless Children and Foster Care Children [New Article]

<http://www.in.gov/legislative/ic/code/title20/ar50/index.html>

Note: This is a state law that defines homeless children:

IC 20-50-1-1

"Homeless child"

Sec. 1. (a) As used in this chapter, "homeless child" means a minor who lacks a fixed, regular, and adequate nighttime residence.

(b) The term includes:

(1) a child who:

(A) shares the housing of other persons due to the child's loss of housing, economic hardship, or a similar reason;

(B) lives in a motel, hotel, or campground due to the lack of alternative adequate accommodations;

(C) lives in an emergency or transitional shelter;

(D) is abandoned in a hospital or other place not intended for general habitation;

or

(E) is awaiting foster care placement;

(2) a child who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) a child who lives in a car, a park, a public space, an abandoned building, a bus station, a train station, substandard housing, or a similar setting; and

(4) a child of a migratory worker who lives in circumstances described in subdivisions (1) through (3).

As added by P.L.133-2008, SEC.3.

Curriculum [and the law on Instructional Time]

IC 20-30 - <http://www.in.gov/legislative/ic/code/title20/ar30/index.html>

Calendar [Instructional Time]

<http://www.in.gov/legislative/ic/code/title20/ar30/ch2.html>

IC 20-30-2-1

"Instructional time"

Sec. 1. As used in this chapter, "instructional time" is time during which students are participating in:

(1) an approved course;

(2) a curriculum; or

(3) an educationally related activity;

under the direction of a teacher, including a reasonable amount of passing time between

classes. Instructional time does not include lunch or recess.

As added by P.L.1-2005, SEC.14.

IC 20-30-2-2

Student instructional day; school flex program instructional day

Sec. 2. (a) A student instructional day in grades 1 through 6 consists of at least five (5) hours of instructional time. Except as provided in subsection (b), a student instructional day in grades 7 through 12 consists of at least six (6) hours of instructional time.

(b) An instructional day for a school flex program under section 2.2 of this chapter consists of a minimum of three (3) hours of instructional time.

As added by P.L.1-2005, SEC.14. Amended by P.L.242-2005, SEC.15.

Student Graduation Plan

IC 20-30-4

<http://www.in.gov/legislative/ic/code/title20/ar30/ch4.html>

Mandatory Curriculum

IC 20-30-5

<http://www.in.gov/legislative/ic/code/title20/ar30/ch5.html>

At IC 20-30 you will also find optional curricula, summer school programs, alternative programs, bilingual/bicultural programs, motorcycle safety and others.

Compulsory School Attendance

IC 20-33-2

<http://www.in.gov/legislative/ic/code/title20/ar33/ch2.html>

IC 20-33-2-3

Application

Sec. 3. This chapter applies to each situation that involves any of the following:

- (1) A person less than eighteen (18) years of age who is domiciled in Indiana.
- (2) A person less than eighteen (18) years of age who:
 - (A) is not domiciled in Indiana; and
 - (B) intends to remain in Indiana for a period established by rule of the state board.
- (3) A student:
 - (A) who is less than eighteen (18) years of age;
 - (B) whose behavior has resulted in an expulsion from school; and
 - (C) who is assigned to attend:
 - (i) an alternative school; or
 - (ii) an alternative educational program.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-5**Days of attendance**

Sec. 5. A student for whom education is compulsory under this chapter shall attend school each year for the number of days public schools are in session:

- (1) in the school corporation in which the student is enrolled in Indiana; or
- (2) where the student is enrolled if the student is enrolled outside Indiana.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-6**Students required to attend**

Sec. 6. A student is bound by the requirements of this chapter from the earlier of the date on which the student officially enrolls in a school or, except as provided in section 8 of this chapter, the beginning of the fall school term for the school year in which the student becomes seven (7) years of age until the date on which the student:

- (1) graduates;
 - (2) becomes eighteen (18) years of age; or
 - (3) becomes sixteen (16) years of age but is less than eighteen (18) years of age and the requirements under section 9 of this chapter concerning an exit interview are met enabling the student to withdraw from school before graduation;
- whichever occurs first.

As added by P.L.1-2005, SEC.17. Amended by P.L.242-2005, SEC.17.

IC 20-33-2-7**Minimum age for kindergarten enrollment; appeals**

Sec. 7. (a) In addition to the requirements of sections 4 through 6 of this chapter, a student must be at least five (5) years of age on:

- (1) July 1 of the 2005-2006 school year; or
 - (2) August 1 of the 2006-2007 school year or any subsequent school year;
- to officially enroll in a kindergarten program offered by a school corporation. However, subject to subsection (c), the governing body of the school corporation shall adopt a procedure affording a parent of a student who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent for enrollment of the student in kindergarten at an age earlier than the age set forth in this subsection.

(b) In addition to the requirements of sections 4 through 6 of this chapter and subsection (a), and subject to subsection (c), if a student enrolls in school as allowed under section 6 of this chapter and has not attended kindergarten, the superintendent shall make a determination as to whether the student shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection (c).

(c) To assist the principal and governing bodies, the department shall do the following:

- (1) Establish guidelines to assist each governing body in establishing a procedure for making appeals to the superintendent under subsection (a).

(2) Establish criteria by which a governing body may adopt a model assessment that may be used in making the determination under subsection (b).

IC 20-33-2-8

Students not bound by requirements

Sec. 8. A student is not bound by the requirements of this chapter until the student becomes seven (7) years of age, if, upon request of the superintendent of the school corporation, the parent of a student who would otherwise be subject to compulsory school attendance under section 6 of this chapter certifies to the superintendent that the parent intends to:

(1) enroll the student in a nonaccredited, nonpublic school; or

(2) begin providing the student with instruction equivalent to that given in the public schools as permitted under section 28 of this chapter;
not later than the date on which the student becomes seven (7) years of age.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-10

Enrollment documentation; notice to clearinghouse for information on missing children

Sec. 10. (a) Each public school shall and each private school may require a student who initially enrolls in the school to provide:

(1) the name and address of the school the student last attended; and

(2) a certified copy of the student's birth certificate or other reliable proof of the student's date of birth.

(b) Not more than fourteen (14) days after initial enrollment in a school, the school shall request the student's records from the school the student last attended.

(c) If the document described in subsection (a)(2):

(1) is not provided to the school not more than thirty (30) days after the student's enrollment; or

(2) appears to be inaccurate or fraudulent;

the school shall notify the Indiana clearinghouse for information on missing children established under IC 10-13-5-5 and determine if the student has been reported missing.

(d) A school in Indiana receiving a request for records shall send the records promptly to the requesting school. However, if a request is received for records to which a notice has been attached under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the school:

(1) shall immediately notify the Indiana clearinghouse for information on missing children;

(2) may not send the school records without the authorization of the clearinghouse;
and

(3) may not inform the requesting school that a notice under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached to the records.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-13**High school transcripts; required contents**

Sec. 13. (a) A school corporation shall record or include the following information in the official high school transcript for a student in high school:

- (1) Attendance records.
- (2) The student's latest ISTEP program test results under IC 20-32-5.
- (3) Any secondary level and postsecondary level certificates of achievement earned by the student.
- (4) Immunization information from the immunization record the student's school keeps under IC 20-34-4-1.
- (5) Any dual credit courses taken that are included in the core transfer library under IC 21-42-5-4.

(b) A school corporation may include information on a student's high school transcript that is in addition to the requirements of subsection (a).

As added by P.L.1-2005, SEC.17. Amended by P.L.140-2008, SEC.8.

IC 20-33-2-14**Attendance exception; service as a page for or as an honoree of the general assembly**

Sec. 14. (a) This section and sections 15 through 17.5 of this chapter apply to a student who attends either a public school or a nonpublic school.

(b) Service as a page for or as an honoree of the general assembly is a lawful excuse for a student to be absent from school, when verified by a certificate of the secretary of the senate or the chief clerk of the house of representatives. A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

As added by P.L.1-2005, SEC.17. Amended by P.L.185-2006, SEC.13.

IC 20-33-2-15**Attendance exception; service on precinct election board or for political candidates or parties**

Sec. 15. (a) The governing body of a school corporation and the chief administrative official of a nonpublic secondary school system shall authorize the absence and excuse of each secondary school student who serves:

- (1) on the precinct election board; or
- (2) as a helper to a political candidate or to a political party on the date of each general, city or town, special, and primary election at which the student works.

(b) Before the date of the election, the student must submit a document signed by one (1) of the student's parents giving permission to participate in the election as provided in this section, and the student must verify to school authorities the performance of services by submitting a document signed by the candidate, political party chairman, campaign manager, or precinct officer generally describing the duties of the student on the date of the election. A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-16**Attendance exception; witness in judicial proceeding**

Sec. 16. The governing body of a school corporation or the chief administrative officer of a nonpublic school system shall authorize the absence and excuse of a student who is issued a subpoena to appear in court as a witness in a judicial proceeding. A student excused under this section shall not be recorded as being absent on any date for which the excuse is operative and shall not be penalized by the school in any manner. The appropriate school authority may require that the student submit the subpoena to the appropriate school authority for verification.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-17**Attendance exception; duty with Indiana National Guard**

Sec. 17. The governing body of a school corporation or the chief administrative officer of a nonpublic school system shall authorize the absence and excuse of each secondary school student who is ordered to active duty with the Indiana National Guard for not more than ten (10) days in a school year. For verification, the student must submit to school authorities a copy of the orders to active duty and a copy of the orders releasing the student from active duty. A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-17.2**Attendance exception; duty with Indiana wing of civil air patrol**

Sec. 17.2. The governing body of a school corporation or the chief administrative officer of a nonpublic school system shall authorize the absence and excuse of each secondary school student who is a member of the Indiana wing of the civil air patrol and who is participating in a civil air patrol:

- (1) international air cadet exchange program, for the length of the program; or
 - (2) emergency service operation, including:
 - (A) search and rescue missions designated by the Air Force Rescue Coordination Center;
 - (B) disaster relief, when requested by the federal or state emergency management agency;
 - (C) humanitarian services, when requested by the federal or state emergency management agency;
 - (D) United States Air Force support designated by the First Air Force, North American Aerospace Defense Command; or
 - (E) United States Air Force military flights, if the flights are not available on days when school is not in session;
- for not more than five (5) days in a school year;
if the student submits to school authorities appropriate documentation from the Indiana

wing of the civil air patrol detailing the reason for the student's absence. A student excused from school attendance under this section may not be recorded as being absent on any date to which the excuse applies and may not be penalized by the school in any manner.

As added by P.L.55-2007, SEC.1.

IC 20-33-2-17.5

Compulsory school attendance; exceptions; educationally related nonclassroom activity; nonclassroom activity

Sec. 17.5. The governing body of a school corporation may authorize the absence and excuse of a student who attends any educationally related nonclassroom activity. Any educationally related nonclassroom activity and nonclassroom activity must meet all the following conditions:

- (1) Is consistent with and promotes the educational philosophy and goals of the school corporation and the state board.
- (2) Facilitates the attainment of specific educational objectives.
- (3) Is a part of the goals and objectives of an approved course or curriculum.
- (4) Represents a unique educational opportunity.
- (5) Cannot reasonably occur without interrupting the school day.
- (6) Is approved in writing by the school principal.

As added by P.L.185-2006, SEC.14.

IC 20-33-2-18

Parent to produce certificate of child's incapacity on demand

Sec. 18. (a) If a parent of a student does not send the student to school because of the student's illness or mental or physical incapacity, it is unlawful for the parent to fail or refuse to produce a certificate of the illness or incapacity for an attendance officer not later than six (6) days after the certificate is demanded.

(b) The certificate required under this section must be signed by:

- (1) an Indiana physician;
- (2) an individual holding a license to practice osteopathy or chiropractic in Indiana;

or

(3) a Christian Science practitioner who resides in Indiana and is listed in the Christian Science Journal.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-19

Attendance; public school children; religious instruction

Sec. 19. (a) When the parent of a student who is enrolled in a public school makes a written request, the principal may allow the student to attend a school for religious instruction that is conducted by a church, an association of churches, or an association that is organized for religious instruction and incorporated under Indiana law.

(b) If a principal grants permission under subsection (a), the principal shall specify a period or periods, not to exceed one hundred twenty (120) minutes in total in any week,

for the student to receive religious instruction. The permission is valid only for the year in which it is granted. Decisions made by a principal under this section may be reviewed by the superintendent.

(c) A school for religious instruction that receives students under this section:

(1) shall maintain attendance records and allow inspection of these records by attendance officers; and

(2) may not be supported, in whole or in part, by public funds.

(d) A student who attends a school for religious instruction under this section shall receive the same attendance credit that the student would receive for attendance in the public schools for the same length of time.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-20

Attendance records

Sec. 20. (a) An accurate daily record of the attendance of each student who is subject to compulsory school attendance under this chapter shall be kept by every public and nonpublic school.

(b) In a public school, the record shall be open at all times for inspection by:

(1) attendance officers;

(2) school officials;

(3) agents of the department of labor;

(4) security police officers appointed under IC 36-8-3-7; and

(5) school corporation police officers appointed under IC 20-26-16.

Every teacher shall answer fully all lawful inquiries made by an attendance officer, a school official, an agent of the department of labor, or a security police officer appointed under IC 36-8-3-7.

(c) In a nonpublic school, the record shall be required to be kept solely to verify the enrollment and attendance of a student upon request of the:

(1) state superintendent; or

(2) superintendent of the school corporation in which the nonpublic school is located.

As added by P.L.1-2005, SEC.17. Amended by P.L.34-2008, SEC.1.

IC 20-33-2-21

Attendance reports

Sec. 21. (a) Each principal and teacher in a public school that is attended by a student subject to the compulsory school attendance law under this chapter shall furnish, on request of the superintendent of the school corporation in which they are employed, a list of:

(1) names;

(2) addresses; and

(3) ages;

of all minors attending the school. When a student withdraws from school, the principal and teacher shall immediately report to the superintendent the student's name and address and the date of the student's withdrawal.

(b) Each principal or school administrator in a nonpublic school that is attended by a

student who is subject to the compulsory school attendance law under this chapter shall furnish, on request of the state superintendent, the number of students by grade level attending the school.

(c) If:

(1) a student withdraws from a nonpublic school; and

(2) no public or other nonpublic school has requested the student's educational records within fifteen (15) school days after the date the student withdrew from school; the nonpublic school shall report to the state superintendent or the superintendent of the school corporation in which the nonpublic school is located, the name and address of the student and the date the student withdrew from school.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-22

List of students no longer enrolled

Sec. 22. (a) Not later than fifteen (15) school days after the beginning of each semester, the principal of a public high school shall send to the superintendent with jurisdiction over the school a list of names and last known addresses of all students:

(1) not graduated; and

(2) not enrolled in the then current semester who were otherwise eligible for enrollment.

(b) Each superintendent immediately shall make available all lists received under this section to an authorized representative of:

(1) Ivy Tech Community College of Indiana; and

(2) an agency whose purpose it is to enroll high school dropouts in various training programs.

(c) Each representative authorized to receive a list prepared under subsection (b) shall stipulate in writing that the list will be used only to contact prospective students or prospective trainees. If a list is used for any other purpose, the college or agency that the recipient represents is ineligible to receive subsequent lists for five (5) years.

As added by P.L.1-2005, SEC.17. Amended by P.L.127-2005, SEC.27.

IC 20-33-2-23

Powers of certain officers to take children into custody

Sec. 23. (a) Each school attendance officer, sheriff, marshal, and police officer in Indiana may take into custody any child who:

(1) is required to attend school under this chapter; and

(2) is found during school hours, unless accompanied:

(A) by a parent; or

(B) with the consent of a parent, by a relative by blood or marriage who is at least eighteen (18) years of age;

in a public place, in a public or private conveyance, or in a place of business open to the public.

(b) When an officer takes a child into custody under this section, the officer shall immediately deliver the child to the principal of the public or nonpublic school in which the child is enrolled. If a child is not enrolled in any school, then the officer shall deliver the child into the custody of the principal of the public school in the attendance area in

which the child resides. If a child is taken to the appropriate school and the principal is unavailable, the acting chief administrative officer of the school shall take custody of the child.

(c) The powers conferred under this section may be exercised without warrant and without subsequent legal proceedings.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-24

Principal; duties when truant child received

Sec. 24. (a) When a child is delivered into the custody of a principal or acting chief administrative officer under section 23 of this chapter, the principal or officer shall immediately place the child in class in the grade or course of study in which the child is enrolled or to which the child may be properly assigned.

(b) A child who is placed in class under this section shall not be kept at school beyond the regular hour of dismissal on that day for the grade or course of study in which the child is placed. As promptly as reasonably possible after placing a child in class under this section, the principal or acting chief administrative officer shall attempt to advise the child's parent of the facts of the case by telephone. The principal or acting chief administrative officer shall advise the parent of the facts of the case by mail on the same day the principal or officer receives the child.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-26

Enforcement of chapter

Sec. 26. (a) It is the duty of each:

- (1) superintendent;
- (2) attendance officer;
- (3) state attendance official;
- (4) security police officer appointed under IC 36-8-3-7; and
- (5) school corporation police officer appointed under IC 20-26-16;

to enforce this chapter in their respective jurisdictions and to execute the affidavits authorized under this section. The duty is several, and the failure of one (1) or more to act does not excuse another official from the obligation to enforce this chapter.

(b) An affidavit against a parent for a violation of this chapter shall be prepared and filed in the same manner and under the procedure prescribed for filing affidavits for the prosecution of public offenses.

(c) An affidavit under this section shall be filed in a court with jurisdiction in the county in which the affected child resides. The prosecuting attorney shall file and prosecute actions under this section as in other criminal cases. The court shall promptly hear cases brought under this section.

As added by P.L.1-2005, SEC.17. Amended by P.L.34-2008, SEC.2.

IC 20-33-2-27

Compulsory attendance; parent's responsibility

Sec. 27. (a) It is unlawful for a parent to fail to ensure that the parent's child attends school as required under this chapter.

(b) Before proceedings are instituted against a parent for a violation of this section, personal notice of the violation shall be served on the parent by the superintendent or the superintendent's designee:

- (1) having jurisdiction over the public school where the child has legal settlement; or
- (2) of the transferee corporation, if the child has been transferred.

(c) Personal notice must consist of and take place at the time of the occurrence of one of the following events:

- (1) The date of personal delivery of notice.
- (2) The date of receipt of the notice sent by certified mail.
- (3) The date of leaving notice at the last and usual place of the residence of the parent.

If the violation is not terminated not more than one (1) school day after this notice is given, or if another violation is committed during the notice period, no further notice is necessary. Each day of violation constitutes a separate offense.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-28

Compulsory attendance for full term; duty of parent

Sec. 28. (a) This section does not apply during a period when a child is excused from school attendance under this chapter.

(b) It is unlawful for a parent to:

- (1) fail;
- (2) neglect; or
- (3) refuse;

to send the parent's child to a public school for the full term as required under this chapter unless the child is being provided with instruction equivalent to that given in public schools.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-28.5

Requirements for exit interview; reporting requirement

Sec. 28.5. (a) This section applies to an individual:

(1) who:

- (A) attends or last attended a public school;
- (B) is at least sixteen (16) years of age but less than eighteen (18) years of age;

and

(C) has not completed the requirements for graduation;

(2) who:

- (A) wishes to withdraw from school before graduation;
 - (B) fails to return at the beginning of a semester; or
 - (C) stops attending school during a semester; and
- (3) who has no record of transfer to another school.

(b) An individual to whom this section applies may withdraw from school only if all of the following conditions are met:

- (1) An exit interview is conducted.
- (2) The individual's parent consents to the withdrawal.
- (3) The school principal approves of the withdrawal.
- (4) The withdrawal is due to:

(A) financial hardship and the individual must be employed to support the individual's family or a dependent;

(B) illness; or

(C) an order by a court that has jurisdiction over the child.

During the exit interview, the school principal shall provide to the student and the student's parent a copy of statistics compiled by the department concerning the likely consequences of life without a high school diploma. The school principal shall advise the student and the student's parent that the student's withdrawal from school may prevent the student from receiving or result in the revocation of the student's employment certificate and driver's license or learner's permit.

(c) For purposes of this section, the following must be in written form:

- (1) An individual's request to withdraw from school.
- (2) A parent's consent to a withdrawal.
- (3) A principal's consent to a withdrawal.

(d) If the individual's principal does not consent to the individual's withdrawal under this section, the individual's parent may appeal the denial of consent to the governing body of the public school that the individual last attended.

(e) Each public school, including each school corporation and each charter school (as defined in IC 20-24-1-4), shall provide an annual report to the department setting forth the following information:

(1) The total number of individuals:

(A) who withdrew from school under this section; and

(B) who either:

(i) failed to return to school at the beginning of a semester; or

(ii) stopped attending school during a semester;

and for whom there is no record of transfer to another school.

(2) The number of individuals who withdrew from school following an exit interview.

(f) If an individual to which this section applies:

(1) has not received consent to withdraw from school under this section; and

(2) fails to return to school at the beginning of a semester or during the semester;

the principal of the school that the individual last attended shall deliver by certified mail or personal delivery to the bureau of child labor a record of the individual's failure to return to school so that the bureau of child labor revokes any employment certificates issued to the individual and does not issue any additional employment certificates to the individual. For purposes of IC 20-33-3-13, the individual shall be considered a dropout.

(g) At the same time that a school principal delivers the record under subsection (f), the principal shall deliver by certified mail or personal delivery to the bureau of motor vehicles a record of the individual's failure to return to school so that the bureau of motor vehicles revokes any driver's license or learner's permit issued to the individual and does not issue any additional driver's licenses or learner's permits to the individual before the individual is at least eighteen (18) years of age. For purposes of IC 9-24-2-1, the

individual shall be considered a dropout.

(h) If:

(1) a principal has delivered the record required under subsection (f) or (g), or both; and

(2) the school subsequently gives consent to the individual to withdraw from school under this section;

the principal of the school shall send a notice of withdrawal to the bureau of child labor and the bureau of motor vehicles by certified mail or personal delivery and, for purposes of IC 20-33-3-13 and IC 9-24-2-1, the individual shall no longer be considered a dropout.
As added by P.L.242-2005, SEC.19. Amended by P.L.185-2006, SEC.15.

IC 20-33-2-28.7

Department's compilation of statistics concerning likely consequences of withdrawing from school before graduation

Sec. 28.7. (a) The department of education shall compile and make available to schools statistics concerning the likely consequences of life without a high school diploma. The statistics must include, but are not limited to, statistics that show the likelihood of an individual's:

(1) unemployment or employment in a lower paying job; and

(2) involvement in criminal activity;

as the consequence of not obtaining a high school diploma.

(b) The department of education shall update the statistics made available under subsection (a) every two (2) years.

As added by P.L.242-2005, SEC.20.

IC 20-33-2-39

Attendance officers; duties

Sec. 39. An attendance officer has the following duties:

(1) To serve subject to the rules, direction, and control of the superintendent in the attendance officer's attendance district.

(2) To maintain an office at a place designated by the superintendent.

(3) To be on duty during school hours and at other times as the superintendent may request.

(4) To keep records and make reports as required by the state board.

(5) To visit the homes of children who are absent from school or who are reported to be in need of books, clothing, or parental care.

(6) Whenever the superintendent directs or approves it, to bring suit to enforce any provision of this chapter that is being violated.

(7) To serve written notice on any parent whose child is out of school illegally.

(8) To visit factories where children are employed.

(9) To perform other duties necessary for complete enforcement of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-40

Attendance officers; special powers

Sec. 40. (a) Each attendance officer may serve original and other process in cases arising under this chapter.

(b) An attendance officer may enter any place where a child is employed to determine whether violations of this chapter or of IC 20-33-3 have occurred. When an attendance officer or a school official is exercising the power granted under this subsection, any officer, manager, director, employee or other person who refuses to permit the attendance officer's or the school official's entry into a place of business or interferes with his investigation in any way commits a violation of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-44

Penalty

Sec. 44. (a) This section does not apply to section 47 of this chapter.

(b) A person who knowingly violates this chapter commits a Class B misdemeanor.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-45

State board; supervision; rules

Sec. 45. (a) The state board shall exercise general supervision by resolution over the attendance system of the state.

(b) The state board may adopt rules under IC 4-22-2 pertaining to the state attendance system and the enforcement of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-47

School corporations; notification of absences; reports to local health departments

Sec. 47. (a) A school corporation may develop and implement a system of notifying the parent of a student when:

(1) the student fails to attend school; and

(2) the student does not have an excused absence for that day.

(b) A school corporation or an accredited nonpublic school shall report to the local health department the percentage of student absences above a threshold determined by the department by rule adopted under IC 4-22-2.

(c) If a school corporation implements a notification system under this chapter, the attendance officer or the attendance officer's designee shall make a reasonable effort to contact by telephone the parent of each student who has failed to attend school and does not have an excused absence for that day.

(d) If an attendance officer or an attendance officer's designee has made a reasonable effort to contact a parent under subsection (c), the school corporation is immune from liability for any damages suffered by the parent claimed because of failure to contact the parent.

As added by P.L.1-2005, SEC.17.

Child Labor

IC 20-33-3 Limitations on the Employment of Students

<http://www.in.gov/legislative/ic/code/title20/ar33/ch3.html>

IC 20-33-3-5

Employment certificate required

Sec. 5. It is unlawful for a person, firm, limited liability company, or corporation to hire, employ, or permit a child who is:

- (1) at least fourteen (14) years of age; and
- (2) less than eighteen (18) years of age;

to work in a gainful occupation until the person, firm, limited liability company, or corporation has secured and placed on file in its office an employment certificate issued by the proper issuing officer under this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-7

Employment certificate; obtaining

Sec. 7. (a) This chapter applies to a child less than eighteen (18) years of age who is employed or is seeking employment in Indiana.

(b) A child less than eighteen (18) years of age who is a resident of Indiana and who requires an employment certificate shall obtain the employment certificate from the issuing officer of the:

- (1) accredited school (as described in IC 20-19-2-8(a)(5)) that the child attends; or
- (2) school corporation in which the child resides.

(c) A child less than eighteen (18) years of age who is not a resident of Indiana and who requires an employment certificate to work in Indiana shall obtain the certificate from the issuing officer of the school corporation in which the child is:

- (1) employed; or
- (2) seeking employment.

The judge of a court with juvenile jurisdiction may suspend the application of this chapter in cases involving juvenile delinquents or incorrigibles whenever, in the opinion of the judge, the welfare of a child warrants this action.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-8

Issuing officer

Sec. 8. (a) The issuing officer in each accredited school (as described in IC 20-19-2-8(a)(5)) shall be an individual who is:

- (1) a guidance counselor;
- (2) a school social worker; or

(3) an attendance officer for the school corporation and a teacher licensed by the division of professional standards of the department under IC 20-28-4 or IC 20-28-5; and designated in writing by the principal.

(b) During the times in which the individual described in subsection (a) is not employed by the school or when school is not in session, there shall be an issuing officer available:

(1) who is a teacher licensed by the division of professional standards of the department under IC 20-28-4 or IC 20-28-5; and

(2) whose identity and hours of work shall be determined by the principal.

As added by P.L.1-2005, SEC.17. Amended by P.L.1-2007, SEC.147.

IC 20-33-3-10

Documents required before issuance of certificate

Sec. 10. (a) An issuing officer may issue an employment certificate only to a child whose employment is necessary and only after receipt of the following two (2) documents:

(1) Proof of age as set forth under section 11 of this chapter.

(2) Proof of prospective employment as set forth under section 12 of this chapter.

(b) A child seeking an employment certificate from a school the child does not attend must also present to the issuing officer a written statement that:

(1) is from the school the child does attend; and

(2) attests to the child's acceptable academic performance and attendance.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-20

Revocation of employment certificate; review; reissuance; appeal

Sec. 20. (a) An employment certificate may be revoked by the issuing officer if the issuing officer determines that there has been a significant decrease in any of the following since the issuance of the permit:

(1) The student's grade point average.

(2) The student's attendance at school.

(b) A student whose employment certificate is revoked under subsection (a) is entitled to a periodic review of the student's grade record or attendance record, or both, to determine whether the revocation should continue. A periodic review may not be conducted less than one (1) time each school year.

(c) If upon review the issuing officer determines that the student's grade point average or attendance, or both, have improved substantially, the issuing officer may reissue an employment certificate to the student.

(d) A student may appeal the revocation of an employment certificate under subsection (a) or the refusal to reissue an employment certificate under subsection (c) to the school principal.

(e) An issuing officer who revokes an employment certificate shall immediately send written notice of the revocation to the student's employer.

As added by P.L.1-2005, SEC.17.

Financial Assistance for Students

IC 20-33-5

<http://www.in.gov/legislative/ic/code/title20/ar33/ch5.html>

IC 20-33-5-11 Withholding of benefits of an education due to failure to pay fees.
Failure of parent to pay fees

Sec. 11. (a) A school corporation may not:

- (1) withhold school books and supplies;
- (2) require any special services from a child; or
- (3) deny the child any benefit or privilege;

because the parent fails to pay required fees.

(b) Notwithstanding subsection (a), a school corporation may take any action authorized by law to collect unpaid fees from parents who are determined to be ineligible for assistance, including recovery of reasonable attorney's fees and court costs in addition to a judgment

award against those parents.

As added by P.L.1-2005, SEC.17.

Parental Access to Student Records

IC 20-33-7

<http://www.ai.org/legislative/ic/code/title20/ar33/ch7.html>

Student Discipline

IC 20-33-8

<http://www.ai.org/legislative/ic/code/title20/ar33/ch8.html>

IC 20-33-8-8

Duty and powers of school corporation to supervise and discipline students

Sec. 8. (a) Student supervision and the desirable behavior of students in carrying out school purposes is the responsibility of:

- (1) a school corporation; and
- (2) the students of a school corporation.

(b) In all matters relating to the discipline and conduct of students, school corporation personnel:

(1) stand in the relation of parents to the students of the school corporation; and
(2) have the right to take any disciplinary action necessary to promote student conduct that conforms with an orderly and effective educational system, subject to this chapter.

(c) Students must:

- (1) follow responsible directions of school personnel in all educational settings; and
- (2) refrain from disruptive behavior that interferes with the educational environment.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-9

Disciplinary powers of teachers and school staff members

Sec. 9. (a) This section applies to an individual who:

- (1) is a teacher or other school staff member; and
- (2) has students under the individual's charge.

(b) An individual may take any action that is reasonably necessary to carry out or to prevent an interference with an educational function that the individual supervises.

(c) Subject to rules of the governing body and the administrative staff, an individual may remove a student for a period that does not exceed five (5) school days from an educational function supervised by the individual or another individual who is a teacher or other school staff member.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-10

Disciplinary powers of principals

Sec. 10. (a) A principal may take action concerning the principal's school or a school activity within the principal's jurisdiction that is reasonably necessary to carry out or prevent interference with an educational function or school purposes.

(b) Subsection (a) allows a principal to write regulations that govern student conduct.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-11

Disciplinary powers of superintendents and administrative staff members

Sec. 11. A:

- (1) superintendent; or
- (2) member of the superintendent's administrative staff, with the superintendent's approval;

may take any action with respect to all schools within the superintendent's jurisdiction that is reasonably necessary to carry out or prevent interference with an educational function or school purposes.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-12

Adoption of discipline rules; publicity requirement; discipline policy regulations and guidelines; delegation of authority; rulemaking powers of governing body

Sec. 12. (a) The governing body of a school corporation must do the following:

- (1) Establish written discipline rules, which may include:

(A) appropriate dress codes; and
(B) if applicable, an agreement for court assisted resolution of school suspension and expulsion cases;
for the school corporation.

(2) Give general publicity to the discipline rules within a school where the discipline rules apply by actions such as:

(A) making a copy of the discipline rules available to students and students' parents; or

(B) delivering a copy of the discipline rules to students or the parents of students.

This publicity requirement may not be construed technically and is satisfied if the school corporation makes a good faith effort to disseminate to students or parents generally the text or substance of a discipline rule.

(b) The:

(1) superintendent of a school corporation; and

(2) principals of each school in a school corporation;

may adopt regulations establishing lines of responsibility and related guidelines in compliance with the discipline policies of the governing body.

(c) The governing body of a school corporation may delegate:

(1) rulemaking;

(2) disciplinary; and

(3) other authority;

as reasonably necessary to carry out the school purposes of the school corporation.

(d) Subsection (a) does not apply to rules or directions concerning the following:

(1) Movement of students.

(2) Movement or parking of vehicles.

(3) Day to day instructions concerning the operation of a classroom or teaching station.

(4) Time for commencement of school.

(5) Other standards or regulations relating to the manner in which an educational function must be administered.

However, this subsection does not prohibit the governing body from regulating the areas listed in this subsection.

As added by P.L.1-2005, SEC.17. Amended by P.L.242-2005, SEC.22.

IC 20-33-8-13

Possession and self-administration of medication permitted

Sec. 13. (a) Discipline rules adopted under section 12 of this chapter must provide that a student with a chronic disease or medical condition may possess and self-administer medication for the chronic disease or medical condition during the times and in the places set forth under section 14(b) of this chapter if the following conditions are met:

(1) The student's parent has filed an authorization with the student's principal for the student to possess and self-administer the medication. The authorization must include the statement described in subdivision (2).

(2) A physician states in writing that:

(A) the student has an acute or chronic disease or medical condition for which the physician has prescribed medication;

(B) the student has been instructed in how to self-administer the medication; and
(C) the nature of the disease or medical condition requires emergency administration of the medication.

(b) The authorization and statement described in subsection (a) must be filed annually with the student's principal.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-13.5

Discipline rules prohibiting bullying required

Sec. 13.5. (a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:

(1) prohibit bullying; and

(2) include provisions concerning education, parental involvement, reporting, investigation, and intervention.

(b) The discipline rules described in subsection (a) must apply when a student is:

(1) on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group;

(2) off school grounds at a school activity, function, or event;

(3) traveling to or from school or a school activity, function, or event; or

(4) using property or equipment provided by the school.

(c) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section.

Noncompliance with this section may not be used as evidence against a school corporation in a cause of action.

As added by P.L.106-2005, SEC.7.

IC 20-33-8-14

Grounds for suspension or expulsion

Sec. 14. (a) The following are the grounds for student suspension or expulsion, subject to the procedural requirements of this chapter and as stated by school corporation rules:

(1) Student misconduct.

(2) Substantial disobedience.

(b) The grounds for suspension or expulsion listed in subsection (a) apply when a student is:

(1) on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group;

(2) off school grounds at a school activity, function, or event; or

(3) traveling to or from school or a school activity, function, or event.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-15

Unlawful activity by student

Sec. 15. In addition to the grounds specified in section 14 of this chapter, a student may be suspended or expelled for engaging in unlawful activity on or off school grounds if:

(1) the unlawful activity may reasonably be considered to be an interference with

school purposes or an educational function; or

(2) the student's removal is necessary to restore order or protect persons on school property;

including an unlawful activity during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-16

Possession of firearms, deadly weapons, or destructive devices

Sec. 16. (a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "deadly weapon" has the meaning set forth in IC 35-41-1-8. The term does not include a firearm or destructive device.

(c) As used in this section, "destructive device" has the meaning set forth in IC 35-47.5-2-4.

(d) Notwithstanding section 20 of this chapter, a student who is:

(1) identified as bringing a firearm or destructive device to school or on school property; or

(2) in possession of a firearm or destructive device on school property; must be expelled for at least one (1) calendar year, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period.

(e) The superintendent may, on a case by case basis, modify the period of expulsion under subsection (d) for a student who is expelled under this section.

(f) Notwithstanding section 20 of this chapter, a student who is:

(1) identified as bringing a deadly weapon to school or on school property; or

(2) in possession of a deadly weapon on school property; may be expelled for not more than one (1) calendar year.

(g) A superintendent or the superintendent's designee shall immediately notify the appropriate law enforcement agency having jurisdiction over the property where the school is located if a student engages in a behavior described in subsection (d). The superintendent may give similar notice if the student engages in a behavior described in subsection (f). Upon receiving notification under this subsection, the law enforcement agency shall begin an investigation and take appropriate action.

(h) A student with disabilities (as defined in IC 20-35-7-7) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-17

Student's legal settlement not in attendance area

Sec. 17. A student may be expelled from school if the student's legal settlement is not in the attendance area of the school corporation where the student is enrolled.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-18

Maximum term of suspension; procedure

Sec. 18. (a) A principal may suspend a student for not more than ten (10) school days

under section 14, 15, or 16 of this chapter. However, the student may be suspended for more than ten (10) school days under section 23 of this chapter.

(b) A principal may not suspend a student before the principal affords the student an opportunity for a meeting during which the student is entitled to the following:

- (1) A written or an oral statement of the charges against the student.
- (2) If the student denies the charges, a summary of the evidence against the student.
- (3) An opportunity for the student to explain the student's conduct.

(c) When misconduct requires immediate removal of a student, the meeting under subsection (b) must begin as soon as reasonably possible after the student's suspension.

(d) Following a suspension, the principal shall send a written statement to the parent of the suspended student describing the following:

- (1) The student's misconduct.
- (2) The action taken by the principal.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-19

Expulsion procedure; appeals

Sec. 19. (a) A superintendent of a school corporation may conduct an expulsion meeting or appoint one (1) of the following to conduct an expulsion meeting:

- (1) Legal counsel.
- (2) A member of the administrative staff if the member:
 - (A) has not expelled the student during the current school year; and
 - (B) was not involved in the events giving rise to the expulsion.

The superintendent or a person designated under this subsection may issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at an expulsion meeting.

(b) An expulsion may take place only after the student and the student's parent are given notice of their right to appear at an expulsion meeting with the superintendent or a person designated under subsection (a). Notice of the right to appear at an expulsion meeting must:

- (1) be made by certified mail or by personal delivery;
- (2) contain the reasons for the expulsion; and
- (3) contain the procedure for requesting an expulsion meeting.

(c) The individual conducting an expulsion meeting:

- (1) shall make a written summary of the evidence heard at the expulsion meeting;
- (2) may take action that the individual finds appropriate; and
- (3) must give notice of the action taken under subdivision (2) to the student and the student's parent.

(d) If the student or the student's parent not later than ten (10) days of receipt of a notice of action taken under subsection (c) makes a written appeal to the governing body, the governing body:

- (1) shall hold a meeting to consider:
 - (A) the written summary of evidence prepared under subsection (c)(1); and
 - (B) the arguments of the principal and the student or the student's parent;unless the governing body has voted under subsection (f) not to hear appeals of actions taken under subsection (c); and

(2) may take action that the governing body finds appropriate. The decision of the governing body may be appealed only under section 21 of this chapter.

(e) A student or a student's parent who fails to request and appear at an expulsion meeting after receipt of notice of the right to appear at an expulsion meeting forfeits all rights administratively to contest and appeal the expulsion. For purposes of this section, notice of the right to appear at an expulsion meeting or notice of the action taken at an expulsion meeting is effectively given at the time when the request or notice is delivered personally or sent by certified mail to a student and the student's parent.

(f) The governing body may vote to not hear appeals of actions taken under subsection (c). If the governing body votes to not hear appeals, subsequent to the date on which the vote is taken, a student or parent may appeal only under section 21 of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-20

Maximum term of expulsion; reenrollment in alternative program after expulsion or exclusion; reinstatement review

Sec. 20. (a) Except as provided in section 16 of this chapter, a student may not be expelled for a longer period than the remainder of the school year in which the expulsion took effect if the misconduct occurs during the first semester. If a student is expelled during the second semester, the expulsion remains in effect for summer school and may remain in effect for the first semester of the following school year, unless otherwise modified or terminated by order of the governing body. The appropriate authorities may require that a student who is at least sixteen (16) years of age and who wishes to reenroll after an expulsion or an exclusion attend an alternative program.

(b) An expulsion that takes effect more than three (3) weeks before the beginning of the second semester of a school year must be reviewed before the beginning of the second semester. The review:

(1) shall be conducted by the superintendent or an individual designated under section 19(a) of this chapter after notice of the review has been given to the student and the student's parent;

(2) is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting; and

(3) may lead to a recommendation by the person conducting the review that the student be reinstated for the second semester.

(c) An expulsion that will remain in effect during the first semester of the following school year must be reviewed before the beginning of the school year. The review:

(1) shall be conducted by the superintendent or an individual designated under section 19(a) of this chapter after notice of the review has been given to the student and the student's parent;

(2) is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting; and

(3) may lead to a recommendation by the individual conducting the review that the student be reinstated for the upcoming school year.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-21**Scope of judicial review**

Sec. 21. Judicial review of a governing body's action under this chapter by the circuit or superior court of the county in which a student who is the subject of the governing body's action resides is limited to the issue of whether the governing body acted without following the procedure required under this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-22**Effectiveness of statute during judicial review**

Sec. 22. An expulsion that has been upheld by a governing body continues in effect during judicial review under section 21 of this chapter unless:

(1) the court grants a temporary restraining order under the Indiana Rules of Civil Procedure; and

(2) the school corporation was given the opportunity to appear at the hearing regarding the temporary restraining order.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-23**Suspension pending expulsion decision**

Sec. 23. The superintendent or the person designated by the superintendent under section 19(a) of this chapter may continue suspension of a student for more than the ten (10) school day period of the principal's suspension and until the time of the expulsion decision under section 19 of this chapter if the superintendent or the designated person determines that the student's continued suspension will prevent or substantially reduce the risk of:

(1) interference with an educational function or school purposes; or

(2) a physical injury to the student, other students, school employees, or visitors to the school.

However, a student may not be suspended from school pending a meeting on a student's proposed expulsion if the expulsion is ordered under section 17 of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-24**Requirements for reenrollment after expulsion**

Sec. 24. (a) This section applies to a student who:

(1) is at least sixteen (16) years of age; and

(2) wishes to reenroll after an expulsion.

(b) A principal may require a student to attend one (1) or more of the following:

(1) An alternative school or alternative educational program.

(2) Evening classes.

(3) Classes established for students who are at least sixteen (16) years of age.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-25

Additional disciplinary actions authorized

Sec. 25. (a) This section applies to an individual who:

- (1) is a member of the administrative staff, a teacher, or other school staff member; and
- (2) has students under the individual's charge.

(b) An individual may take disciplinary action in addition to suspension and expulsion that is necessary to ensure a safe, orderly, and effective educational environment.

Disciplinary action under this section may include the following:

- (1) Counseling with a student or group of students.
- (2) Conferences with a parent or group of parents.
- (3) Assigning additional work.
- (4) Rearranging class schedules.
- (5) Requiring a student to remain in school after regular school hours:
 - (A) to do additional school work; or
 - (B) for counseling.
- (6) Restricting extracurricular activities.
- (7) Removal of a student by a teacher from that teacher's class for a period not to exceed:
 - (A) five (5) class periods for middle, junior high, or high school students; or
 - (B) one (1) school day for elementary school students;if the student is assigned regular or additional school work to complete in another school setting.
- (8) Assignment by the principal of:
 - (A) a special course of study;
 - (B) an alternative educational program; or
 - (C) an alternative school.
- (9) Assignment by the principal of the school where the recipient of the disciplinary action is enrolled of not more than one hundred twenty (120) hours of service with a nonprofit organization operating in or near the community where the school is located or where the student resides. The following apply to service assigned under this subdivision:
 - (A) A principal may not assign a student under this subdivision unless the student's parent approves:
 - (i) the nonprofit organization where the student is assigned; and
 - (ii) the plan described in clause (B)(i).
 - A student's parent may request or suggest that the principal assign the student under this subdivision.
 - (B) The principal shall make arrangements for the student's service with the nonprofit organization. Arrangements must include the following:
 - (i) A plan for the service that the student is expected to perform.
 - (ii) A description of the obligations of the nonprofit organization to the student, the student's parents, and the school corporation where the student is enrolled.
 - (iii) Monitoring of the student's performance of service by the principal or the principal's designee.
 - (iv) Periodic reports from the nonprofit organization to the principal and the student's parent or guardian of the student's performance of the service.

(C) The nonprofit organization must obtain liability insurance in the amount and of the type specified by the school corporation where the student is enrolled that is sufficient to cover liabilities that may be incurred by a student who performs service under this subdivision.

(D) Assignment of service under this subdivision suspends the implementation of a student's suspension or expulsion. A student's completion of service assigned under this subdivision to the satisfaction of the principal and the nonprofit organization terminates the student's suspension or expulsion.

(10) Removal of a student from school sponsored transportation.

(11) Referral to the juvenile court having jurisdiction over the student.

(c) As used in this subsection, "physical assault" means the knowing or intentional touching of another person in a rude, insolent, or angry manner. When a student physically assaults a person having authority over the student, the principal of the school where the student is enrolled shall refer the student to the juvenile court having jurisdiction over the student. However, a student with disabilities (as defined in IC 20-35-7-7) who physically assaults a person having authority over the student is subject to procedural safeguards under 20 U.S.C. 1415.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-30

Enrollment in another school corporation or charter school during period of expulsion or proposed expulsion

Sec. 30. (a) This section applies to the following:

(1) A student who:

(A) is expelled from a school corporation or charter school under this chapter; or

(B) withdraws from a school corporation or charter school to avoid expulsion.

(2) A student who:

(A) is required to separate for disciplinary reasons from a nonpublic school or a school in a state other than Indiana by the administrative authority of the school; or

(B) withdraws from a nonpublic school or a school in a state other than Indiana in order to avoid being required to separate from the school for disciplinary reasons by the administrative authority of the school.

(b) The student referred to in subsection (a) may enroll in another school corporation or charter school during the period of the actual or proposed expulsion or separation if:

(1) the student's parent informs the school corporation in which the student seeks to enroll and also:

(A) in the case of a student withdrawing from a charter school that is not a conversion charter school to avoid expulsion, the conversion charter school; or

(B) in the case of a student withdrawing from a conversion charter school to avoid expulsion:

(i) the conversion charter school; and

(ii) the school corporation that sponsored the conversion charter school;

of the student's expulsion, separation, or withdrawal to avoid expulsion or separation;

(2) the school corporation (and, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school) consents to the student's enrollment; and

(3) the student agrees to the terms and conditions of enrollment established by the school corporation (or, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school or conversion charter school).

(c) If:

(1) a student's parent fails to inform the school corporation of the expulsion or separation or withdrawal to avoid expulsion or separation; or

(2) a student fails to follow the terms and conditions of enrollment under subsection (b)(3);

the school corporation or charter school may withdraw consent and prohibit the student's enrollment during the period of the actual or proposed expulsion or separation.

(d) Before a consent is withdrawn under subsection (c) the student must have an opportunity for an informal meeting before the principal of the student's proposed school. At the informal meeting, the student is entitled to:

(1) a written or an oral statement of the reasons for the withdrawal of the consent;

(2) a summary of the evidence against the student; and

(3) an opportunity to explain the student's conduct.

(e) This section does not apply to a student who is expelled under section 17 of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-31

Effect of suspension or expulsion on compulsory attendance laws

Sec. 31. If a student is suspended or expelled from school or from any educational function under this chapter, the student's absence from school because of the suspension or expulsion is not a violation of:

(1) IC 20-33-2; or

(2) any other statute relating to compulsory school attendance.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-32

Locker searches

Sec. 32. (a) A school corporation must provide each:

(1) student; and

(2) student's parent;

a copy of the rules of the governing body on searches of students' lockers and locker contents.

(b) A student who uses a locker that is the property of a school corporation is presumed to have no expectation of privacy in:

(1) that locker; or

(2) the locker's contents.

(c) In accordance with the rules of the governing body, a principal may search:

(1) a student's locker; and

(2) the locker's contents;
at any time.

(d) A law enforcement agency having jurisdiction over the geographic area having a school facility containing a student's locker may:

(1) at the request of the school principal; and

(2) in accordance with rules of the governing body of the school corporation;
assist a school administrator in searching a student's locker and the locker's contents.

As added by P.L.1-2005, SEC.17.

Student Health

IC 20-34

<http://www.in.gov/legislative/ic/code/title20/ar34/index.html>

IC 20-34-3- Health and Safety Measures

IC 20-34-3-9

Students found to be ill; medical care; readmission; appeals

Sec. 9. (a) If a student is ill, has a communicable disease, or is infested with parasites, the school principal may send the student home with a note to the student's parent. The note must describe the nature of the illness or infestation and, if appropriate, recommend that the family physician be consulted.

(b) If the parent of a student who is sent home under this section is financially unable to provide the necessary medical care, the medical care shall be provided by a public health facility. If a public health facility is not available, the township trustee or an appropriate governmental agency shall provide the necessary care.

(c) A student who is sent home under this section may be readmitted to the school:

(1) when it is apparent to school officials that the student is no longer ill, no longer has a communicable disease, or is no longer infested with parasites;

(2) upon certification of a physician that the student is no longer ill, no longer has a communicable disease, or is no longer infested with parasites;

(3) upon certification of a physician that the student has a communicable disease, but the disease is not transmissible through normal school contacts; or

(4) upon certification of a Christian Science practitioner, who is listed in The Christian Science Journal, that based on the practitioner's observation the student apparently is no longer ill, no longer has a communicable disease, or is no longer infested with parasites.

If school personnel disagree with the certifying physician or Christian Science practitioner as to whether the student should be readmitted to school, the local health officer shall determine whether the student may be readmitted to school.

(d) An individual who objects to the determination made by the local health officer under this section may appeal to the commissioner of the state department of health, who is the ultimate authority. IC 4-21.5 applies to appeals under this subsection.

As added by P.L.1-2005, SEC.18.

NOTE: The state of Indiana does not have a "no nit" policy for public schools.

IC 20-34-4- Immunizations

<http://www.in.gov/legislative/ic/code/title20/ar34/ch4.html>

Before any child is excluded for lack of immunizations, contact the Coordinator of Health Services, Indiana Department of Education at 317-232-9142 or at plewis@doe.in.gov.

IC 20-34-5 Care of Students With Diabetes

<http://www.in.gov/legislative/ic/code/title20/ar34/ch5.html>

For current training information contact the Coordinator of Health Services, Indiana Department of Education at 317-232-9142 or plewis@doe.in.gov.

Student Privacy

Forum Guide to Protecting the Privacy of Student Information: State and Local Education Agencies (2004)

http://nces.ed.gov/forum/pub_2004330.asp

Toolkit for the Forum Guide

<http://nces.ed.gov/pubs2006/2006805.pdf>

Family Policy Compliance Office

<http://www.ed.gov/policy/gen/guid/fpc/index.html>

Federal Rules and Laws

Section 504 Frequently Asked Questions

FERPA-Family Educational Rights and Privacy Act

<http://www.ed.gov/policy/gen/reg/ferpa/index.html>

Parental Access to Student Records-State law with elements of FERPA. See the reference on this manual.

IC 20-33-7

<http://www.ai.org/legislative/ic/code/title20/ar33/ch7.html>

PPRA-Protection of Pupil Rights Amendment

<http://www.ed.gov/policy/gen/guid/fpc/ppra/index.html>

IC 20-30-5-17 [This is the state law with language similar to the PPRA]

Access to materials relating to personal analysis, evaluation, or survey of students;
consent for participation

Sec. 17. (a) A school corporation shall make available for inspection by the parent of a student any instructional materials, including:

- (1) teachers' manuals;
- (2) textbooks;
- (3) films or other video materials;
- (4) tapes; and
- (5) other materials;

used in connection with a personal analysis, an evaluation, or a survey described in subsection (b).

(b) A student shall not be required to participate in a personal analysis, an evaluation, or a survey that is not directly related to academic instruction and that reveals or attempts to affect the student's attitudes, habits, traits, opinions, beliefs, or feelings concerning:

- (1) political affiliations;
- (2) religious beliefs or practices;
- (3) mental or psychological conditions that may embarrass the student or the student's family;
- (4) sexual behavior or attitudes;
- (5) illegal, antisocial, self-incriminating, or demeaning behavior;
- (6) critical appraisals of other individuals with whom the student has a close family relationship;

(7) legally recognized privileged or confidential relationships, including a relationship with a lawyer, minister, or physician; or

(8) income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under a program);
without the prior consent of the student if the student is an adult or an emancipated minor or the prior written consent of the student's parent if the student is an unemancipated minor. A parental consent form for a personal analysis, an evaluation, or a survey described in this section shall accurately reflect the contents and nature of the personal analysis, evaluation, or survey.

(c) The department and the governing body shall give parents and students notice of their rights under this section.

(d) The governing body shall enforce this section.

As added by P.L.1-2005, SEC.14.

Tuition Exemption

IC 21-14-8

Tuition Exemption for Double Up Students

IC 21-14-8-1

Eligibility; certification of eligibility

Sec. 1. (a) A state educational institution shall waive tuition for a student who is:

- (1) eligible for free or reduced lunch in high school;
- (2) accepted into the double up for college program under IC 21-43-5; and
- (3) accepted for admission to the state educational institution.

(b) The high school a student attends shall certify the student's income to a state educational institution to determine the student's eligibility for a tuition and fee waiver under this section.

(c) A high school may certify a student's eligibility for a tuition and fee waiver under this section based upon any of the following types of information:

- (1) A free or reduced lunch application form.
- (2) A state or federal income tax return.
- (3) A certification from the office of the secretary of family and social services.
- (4) Any state agency certification based upon income records.

As added by P.L.2-2007, SEC.255. Amended by P.L.140-2008, SEC.9.

Frequently Asked Questions

From the Office of Civil Rights, US Department of Education [Section 504]

<http://www.ed.gov/about/offices/list/ocr/504faq.html>

From the State Attendance Officer [Attendance]

http://www.doe.state.in.us/sservices/sao_faq.html

From the Office of Accreditation and Awards [questions concerning Instructional Time]

<http://doe.state.in.us/accreditation/pdf/0809-FAQ-InstTime.pdf>

Forms

Certificate of Child's Incapacity

<http://www.doe.state.in.us/sservices/pdf/ChildsIncapacityForm.pdf>

BMV Forms-Invalidation and Revalidation

<http://www.doe.state.in.us/sservices/pdf/BMVInval.pdf>

<http://www.doe.state.in.us/sservices/pdf/BMVReval.pdf>

Custodial Agreement Forms [English and Spanish]

<http://www.doe.in.gov/legal/welcome.html>

Indiana Department of Education Points of Contact

Office of School Data Reporting: <http://www.doe.state.in.us/datareporting/welcome.html>

Office of Legal Affairs: <http://www.doe.state.in.us/legal/welcome.html>

Office of Educator Licensing and Development:

<http://www.doe.state.in.us/dps/welcome.html>

Office of Student Assessment: <http://www.doe.state.in.us/assessment/welcome.html>

Office of School and Community Nutrition: <http://www.doe.in.gov/food/welcome.html>

Office of Special Education: <http://www.doe.in.gov/exceptional/speced/welcome.html>

Office of Title 1 Academic Support: <http://www.doe.in.gov/TitleI/welcome.html>

Indiana School Safety Specialist Academy:

<http://www.doe.state.in.us/isssa/welcome.html>

Office of School Accreditation and Awards:

<http://doe.state.in.us/accreditation/welcome.html>

All Indiana Department of Education Programs and Services:

<http://www.doe.state.in.us/htmls/divisions.html>

Office of Student Services

<http://www.doe.state.in.us/sservices/welcome.html>

The Indiana Department of Education, Office of Student Services provides consultation concerning Student Assistance Services, Health Services [including HIV/AIDS education] and School Nurse Services, School Safety and the School Safety Specialist Academy, School Social Work Services, School Counseling Services, the State Attendance Officer and the Juvenile Justice Specialist [representing interests related to children affected by federal, state and local law enforcement, judicial and correctional services].

NOTE: The Student Assistance Services Guide can be accessed by going to the Student Services website and linking on the Student Assistance Services logo.